

### **REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of April 3, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

### **Claims Rejections – 35 USC § 103**

In the Office Action. Claims 1-15 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,988,075 to Hacker, *et al.* (hereinafter Hacker) in view of U.S. Published Patent Application 2002/0026332 to Snowden, *et al.* (hereinafter Snowden). Claims 16-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hacker in view of Snowden, and further in view of U.S. Published Patent Application 2002/0010679 to Felsher (hereinafter Felsher).

Applicants respectfully disagree with the rejections and thus have not amended the claims.

### **Aspects of the Claims**

It may be helpful to reiterate certain aspects recited in the claims prior to addressing the cited references. One aspect of the invention, as typified by amended Claim 1, is a method of permitting controlled access to medical information of a patient.

The method can include establishing a storage means for storing the medical information of the patient; establishing a means for accessing the medical information by the patient or any other authorized user; and controlling an authorization and a scope of access to the medical information by the patient according to a role of a user accessing the medical information by modifying an access control list. The access control list,

more particularly, can list all authorized users and their respective roles. See, e.g., Specification, paragraphs [0008] and [0023].

**The Claims Define Over The Prior Art**

It was stated in the Office Action that Hacker does not teach controlling an authorization or a scope of access to the medical information by the patient according to an assigned role of a user accessing the medical information by modifying an access control list, such that the access control list lists each authorized user and the assigned role of each authorized user. However, it was asserted in the Office Action that Snowden teaches these limitations (Snowden: para. 106-107).

Paragraph [0106] of Snowden teaches that the consumer 44 can choose to have his or her records accessed only with his or her card number and PIN number, or the consumer can choose to allow a service provider access by using the card number and the service provider's Unique Provider Identification Number (UPIN) number. Paragraph [0107] of Snowden teaches that the consumer could pre-authorize access to the information by the 911 system so that in the event of a medical emergency, the responding emergency medical personnel could access health records on a real-time basis.

However, neither paragraph [0106] nor paragraph [0107] of Snowden teaches controlling access using a role-based access control list as in the present invention. The role-based access control list described by the present invention is much more powerful as it allows the patient to control what information is available to which person as characterized by his or her role. For example, a pharmacy can access the prescriptions, while a researcher can access the diagnoses and treatments in an anonymous fashion. In other words, the present invention shares different data in different ways with different

users/roles. In addition, the patient can also modify the access control list to change the authorization or scope of access. This aspect is not disclosed by Snowden.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claims 1, 6, and 11, as amended. Applicants therefore respectfully submit that amended Claims 1, 6, and 11 define over the prior art. Furthermore, as each of the remaining claims depends from Claim 1, 6, or 11 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

### CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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